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‘A BURTHEN TOO HEAVY FOR HUMANE SUFFERANCE’: LOCKE ON REPUTATION

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Abstract: Locke emphasised that a concern for reputation powerfully shaped the individual’s conduct. Most scholarship suggests that Locke portrayed this phenomenon in negative terms. This article complicates this picture. A concern for reputation served a constructive role in Locke’s theory of social development, which offered a powerful alternative explanation of the origins of moral consensus and political authority to Hobbes’s. Locke nonetheless suggested that misunderstandings engendered in Christian commonwealths regarding the nature of political and religious authority had impacted negatively on the moral regulation of societies. The forces governing society, which once habituated individuals in beneficial ways, now led them astray.

Keywords: law of nature, civil law, divine law, sovereignty, political obligation, conscience, toleration, moral obligation, John Locke, Thomas Hobbes, atheism, Jesus Christ.

In *An Essay concerning Human Understanding* (1689), John Locke declared that ‘he who imagines Commendation and Disgrace, not to be strong Motives on Men, to accommodate themselves to the Opinions and Rules of those, with whom they converse, seems little skill’d in the Nature, or History of Mankind’. It was ‘a Burthen too heavy for humane Sufferance’ to ‘live in Society, under the constant Dislike, and ill Opinion of his Familiars, and those he converses with’ (*E* 2.28.12).³ For Locke, the concern to secure the good opinion of one’s neighbours was among the most powerful of human desires, and profoundly shaped the individual’s sense of self. Locke’s persistent concern with how the individual is shaped by and through his⁴ interactions with others in society, as much recent scholarship has observed, casts doubt on the once-hegemonic interpretation of Locke as primarily ‘a philosopher of

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³ *An Essay concerning Human Understanding*, ed. P.H. Nidditch (Oxford, 1975). References are provided in brackets in the text, in the following format: Book, Chapter, Section.

⁴ In his writings Locke does not employ gender-neutral language. For reasons of clarity I follow his practice, given that this article combines lengthy citation with extended textual exposition.

atomised and abstracted individuals’.⁵ Few serious students would now agree with John Plamenatz’s sweeping statement that, in his writings, Locke ‘does not trouble to enquire how [individuals] living together affects them psychologically and morally’.⁶ Indeed, this verdict has been reversed by Hannah Dawson. ‘Far from controlling culture’, she suggests, on Locke’s account ‘individuals draw breath from it’.⁷

On the one hand, Locke emphasised the cognitive and ethical autonomy required for selfhood, political judgement and (most importantly) salvation. On the other, he was acutely sensitive to the dynamic shaping of the human personality by conventional practices of social discipline and linguistic usage as inculcated through education, habit and repetition. Much stimulating scholarship has focused on precisely this tension in Locke’s thought. Consequently, Locke has emerged as a rather more ‘equivocal’, ‘ambivalent’, ‘anxious’ and ‘disturbing’ figure in the history of philosophy than was once suspected – courageously (or foolishly) raising unsettling questions and far-reaching doubts, but unwilling (or unable) to offer any ‘easy solutions’ to them.⁸ This more sceptical Locke was also keenly aware of the creative, constitutive power of language – which in part explains his declared hostility to the arts of rhetoric and eloquence as powerful tools of deception (*EHU* 3.10.34). Locke, however, was no stranger to those arts.⁹ The pedagogical tone and intent of Locke’s writings on education have been

⁵ The phrase is James Tully’s: *A Discourse on Property: Locke and His Adversaries* (Cambridge, 1980), p. 24. The canonical interpretations in this regard – notwithstanding their significant divergences – are C.B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford, 1962); and L. Strauss, *Natural Right and History* (Chicago, 1953), pp. 202-51.

⁶ J. Plamenatz, *Man and Society: Political and Social Theories from Machiavelli to Marx* [1963], rvd edn (3 vols., London, 1992), i, p. 344.

⁷ H. Dawson, *Locke, Language and Early-Modern Philosophy* (Cambridge, 2007), p. 297.

⁸ The adjectives are drawn, respectively, from K.M. McClure, *Judging Rights: Lockean Politics and the Limits of Consent* (London, 1996), p. 287; J. Dunn, “‘Bright Enough For All Our Purposes’”: John Locke’s Conception of a Civilised Society’, *Notes and Records of the Royal Society of London*, 43 (1989), pp. 133-53 (on p. 153); U.S. Singh, *The Anxiety of Freedom: Imagination and Individuality in Locke’s Political Thought* (London, 1992); G. Schochet, ‘Toleration, Revolution, and Judgment in the Development of Locke’s Political Thought’, *Political Science*, 40:1 (1988), pp. 84-96 (on p. 95); and Dawson, *Locke, Language*, p. 276.

⁹ For Locke’s appreciation of the creative power of language, see Dawson, *Locke, Language*, pp. 239-76; K.M. McClure, ‘Cato’s Retreat: *Fabula*, *Historia*, and the Question of Constitutionalism in Mr. Locke’s Anonymous *Essay on Government*’, in K. Sharpe & S.N. Zwicker (eds.), *Reading, Society and Politics in Early Modern England* (Cambridge, 2003), pp. 317-50; and T. Shanks, *Authority Figures: Rhetoric and Experience in John Locke’s Political Thought* (Pennsylvania, 2014).

identified and foregrounded in recent readings of his epistemological, religious and political works.¹⁰ Locke sought to cultivate his reader, and to encourage them to exercise their judgement on questions which ought to be of greatest concern to them as members of political and religious societies founded theoretically upon their voluntary consent and kept in check solely by their vigilance and capacity for informed critique. Locke, we are told, aimed to introduce a new ‘reasonable’ language of political justification founded upon probability. Precisely because Locke recognised the manner in which individuals are insensibly shaped by the societies in which they live – and the authoritative institutions dominant within them – any such reform *had* to be cultural as well as political.¹¹

This article builds upon this recent body of Locke scholarship. The interpretation offered nonetheless diverges from it in significant ways, by focusing more directly on Locke’s treatment of man’s desire for esteem and reputation. The current literature touches on this theme only in passing. Scholars continue to suggest that, by and large, Locke considered the individual’s pervasive concern for esteem to be a negative characteristic of human nature. It allowed false (or at least unverifiable) opinions to be foisted on the individual’s mind from childhood. For this reason Locke exhorted the individual to ‘remake himself by methodological and disciplined action’ and thereby to reclaim his cognitive autonomy.¹² Reason and custom were in conflict for almost all individuals, who had not been fortunate enough to have been educated according to Locke’s blueprint.¹³ Insofar as Locke reconceptualised men’s concern for reputation in more constructive and positive ways, indeed, he did so in his educational theory, advising parents to strengthen and manipulate their child’s concern for praise and aversion to blame as

¹⁰ See especially M. Button, *Contract, Culture, and Citizenship: Transformative Liberalism from Hobbes to Rawls* (Pennsylvania, 2009), pp. 87-172; S. Corneanu, *Regimens of the Mind: Boyle, Locke, and the Early Modern Cultural Animi Tradition* (London, 2011), pp. 141-68; R. Grant, *John Locke’s Liberalism* (Chicago, 1987); N. Tarcov, *Locke’s Education for Liberty* (Chicago, 1984); and L. Ward, *John Locke and Modern Life* (Cambridge, 2010).

¹¹ D. Casson, *Liberating Judgment: Fanatics, Skeptics, and John Locke’s Politics of Probability* (Princeton, 2011); and J. Smith, ‘Custom, Association, and the Mixed Mode: Locke’s Early Theory of Cultural Reproduction’, *English Literary History*, 73:4 (2006), pp. 831-53.

¹² C. Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA, 1989), pp. 159-76 (on p. 159).

¹³ R. Grant, ‘John Locke on Custom’s Power and Reason’s Authority’, *The Review of Politics*, 74 (2012), pp. 607-29. For a long durée account of (largely negative) depictions of custom in the western philosophical tradition, cf. D.R. Kelley, ‘“*Altera Natura*”: The Idea of Custom in Historical Perspective’, in J. Henry & S. Hutton (eds.), *New Perspectives on Renaissance Thought* (London, 1990), pp. 83-100.

a means to habituate them to virtuous conduct.¹⁴ Yet as this implies, to govern one's conduct out of a concern for one's reputation was juvenile: one only embraced one's humanity, and became an autonomous moral agent, when one recognised one's accountability before a transcendent moral law of divine origin.

There is much truth to this. Locke does indeed urge his reader to wage war against the effects of education, custom and fashion, which have inculcated a way of thinking ('orthodoxy') that supports existing, often illegitimate structures of social power and cultural authority. Myriad passages from Locke's educational and epistemological writings could be adduced to substantiate this claim. Locke's revisions to the *Essay* – notably his account of personal identity (*EHU* 2.21), free will (*EHU* 2.27), the association of ideas as a theory which explained epistemological error and ingrained prejudice (*EHU* 2.33), and *Of the Conduct of the Understanding* (1706) – further support the point.¹⁵ As I hope to show, however, this is not the whole story. Locke was profoundly pessimistic about the individual's willingness and ability to detach himself from society in order to cultivate a 'love of Truth' and 'indifferency' for the opinions of others.¹⁶ Paradoxical though it may appear, this pessimism was a necessary consequence of the highly *constructive*, explanatory role Locke accorded to an all-pervasive desire for the good opinion of one's peers in his account of the origins and development of society. Here Locke's moral thinking was at its most novel, stimulating – and, for contemporaries, most troubling.

If we are to grasp this point, we need first to recognise that Locke was as concerned as his contemporaries by Thomas Hobbes's startling account of the origins of society and human fellowship. From early on, Locke was preoccupied by the question of how men might arrive at knowledge of a

¹⁴ M.E. Brady, 'Locke's *Thoughts* on Reputation', *The Review of Politics*, 75 (2013), pp. 335-56; I. Harris, *The Mind of John Locke* (Cambridge, 1994), pp. 280-89; Tarcov, *Education for Liberty*, pp. 96-107; and the editors' introduction to Locke, *Some Thoughts Concerning Education*, ed. J.W. Yolton & J.S. Yolton (Oxford, 1989).

¹⁵ The first two of these chapters were added to the second edition of 1694, and the third to the fourth edition of 1700. The *Conduct* was initially intended for the *Essay*, and would have made 'the largest chapter' in the work: Locke to William Molyneux, April 1697, in *The Correspondence of John Locke*, ed. E.S. de Beer (8 vols., Oxford, 1976-89), vi, #2243.

¹⁶ *Of the Conduct of the Understanding* (1706), in *The Works of John Locke* (9 vols., London, 1794; repr. London, 1997), ii, p. 384.

shared standard of moral good and ill without the need for magisterial imposition.¹⁷ This task was made considerably more taxing by Locke's own thoroughgoing denial of innate ideas or man's natural predisposition to the good, and embrace of sense-empiricism. Men's concern for reputation, this essay contends, plays a central role in Locke's deeply problematic attempt to do so. In his writings – including his private papers – Locke gestures towards a more naturalistic account of how individuals acquire moral knowledge, and a sense of moral obligation, by living together in society.¹⁸ Men's concern for reputation offered a powerful means of explaining how mutual co-operation – and hence the establishment of some degree of consensus as to right and wrong, good and ill – had been possible prior to government, which consequently remained accountable to this pre-existing moral community. For Locke the desire for esteem potentially served a beneficial purpose: it allowed individuals, driven to judge and act largely by their self-regarding passions, nonetheless to take pleasure in actively assisting (and pleasing) others. In other words, a concern for reputation facilitated a harmony between private interest and the interests of the community without the need for Hobbes's Leviathan state. In this regard Locke, unlike Hobbes, stubbornly refused to reduce the 'social' to the 'political'.¹⁹ Furthermore, Locke understood this process in providential and teleological terms: men's desire for esteem, an ineffaceable part of their created nature, helped to lead them to perform their duties as enshrined in the (divinely-ordained) law of nature.

This is certainly not to claim that Locke was willing to accept that morality had its origins in human convention and utility. This was, indeed, a claim he was determined to overthrow throughout his life, by arguing that genuine morality has an authority antecedent to political society and independent of its social utility. The communal, manmade ideas of good and ill which developed on the basis of their

¹⁷ As Kirstie McClure notes, Locke rephrased 'the question of natural law as a question of epistemology' (*Judging Rights*, p. 39).

¹⁸ For a complementary discussion of this point, see H. Dawson, 'Natural Religion: Pufendorf and Locke on the Edge of Freedom and Reason', in Q. Skinner & M. Van Gelderen (eds.), *Freedom and the Construction of Europe* (Cambridge, 2013), pp. 115-33.

¹⁹ This contrasts with broadly Straussian readings of Locke as a disciple of Hobbes. See, for one example, Richard H. Cox's claim that, in Locke, 'the "political" is essentially primary with respect to the "social"', as 'the latter is subsumed under the former and is the product of it, a proposition which is by no means surprising once it is realized that Locke in fact denies the natural sociability of man': *Locke on War and Peace* (Oxford, 1960), p. 115.

public utility were not in themselves in any meaningful sense moral or obligatory: only if they accorded with the will and command of the divine legislator – and were recognised to do so – might they acquire this status. Locke was, in short, no pagan ethical naturalist: he furnished a fully-articulated moral *theology*, and laboured the point that, if God were removed from the equation, it would be impossible to offer a moral theory worthy of the name. Yet Locke's emphasis on the relationship between men's desire for esteem and their (potentially beneficial) habituation in virtue in society remains an unmistakeable, innovative and largely neglected aspect of his thinking, and one that rewards closer analysis. There is also evidence to indicate that it was recognised as such by later philosophers, notably David Hume – even if he ripped Locke's insights from the theocentric, teleological framework in which Locke himself had placed them.

The first section of this article will examine the nature of Hobbes's challenge. The second explores how a (largely beneficial) concern for reputation occupies a crucial place in Locke's alternative explanation of the origins and development of society. Yet there is a sting in the tail. The third section will explain why, for Locke, since the Christianisation of the Roman Empire a concern for reputation had largely ceased to play its positive function in guiding the individual into the path of virtue. Locke, in other words, offers a story of how reason and custom had come to be in conflict – something which had not previously been the case to the same extent – largely on account of the Christian magistrate's fundamentally misplaced desire to impose 'true' speculative moral and religious opinions on his subjects. This had impacted negatively on the moral regulation of societies, and here the close relationship between Locke's writings of the 1680s is foregrounded: the *Essay*, *Treatises* and *Epistola de Tolerantia*. This, in part, explains the agonised strain of Locke's repeated call for individuals in specifically *Christian* societies to free themselves from the opinions imposed upon them through education, custom and fashion – and his pessimism that they would be willing or able to do so. It also explains why scholars have found plenty of evidence to support the claim that Locke conceived of men's desire for esteem in negative terms: in societies in which the ecclesiastical and civil were

intermixed (such as Locke's England), the effects of 'fashion' and 'custom' had indeed been dire. The final section will offer some concluding remarks, which indicate how the recovery of Locke's powerful yet complex evaluation of men's concern for reputation and its relationship to moral conduct further reinforces the insight of recent scholars that Locke's intellectual bequest to the eighteenth century was as stimulating as it was ambivalent.

I

Locke's claim in 1697 that he had not read Hobbes with any degree of attention, and was unfamiliar with the arguments to be found in *Leviathan*, must be taken with a large pinch of salt.²⁰ Locke's earliest writings – the 'Two Tracts on Government' (c.1660-2) and his lectures on the law of nature (c.1663-4) – evince a familiarity both with Hobbes's arguments and with those of critics who had recently sought to formulate responses.²¹ This is unsurprising. Locke's circle of acquaintances at Oxford, such as Gabriel Towerson and Robert Boyle, was deeply concerned to challenge the conclusions drawn by Hobbes from basic philosophical and theological premises which were broadly shared.²² In late 1660 we find Locke exchanging papers with Towerson, fellow of All Souls, on the question which had been set centre-stage by the internecine strife which had plagued England from the 1640s, and which Hobbes had addressed in distinctive and troubling fashion: that of the foundations of the moral consensus

²⁰ *A Second Vindication of the Reasonableness of Christianity* (1697), in *Works*, vi, pp. 421-3. Locke's claim has implicitly been endorsed by commentators who, *contra* Strauss et al., have denied that Locke engaged directly with Hobbes at any point: P. Laslett, 'Introduction', to *Two Treatises of Government*, ed. P. Laslett (Cambridge, 1988), pp. 67-92. For a balanced reassessment of the Hobbes-Locke relationship, see Harris, *Mind of Locke*, pp. 4, 83-92; and T. Stanton, 'Hobbes and Locke on Natural Law and Jesus Christ', *History of Political Thought*, 29:1 (2008), pp. 65-88.

²¹ Locke circulated his 'Tracts' and lectures in manuscript among acquaintances, but they remained unpublished in his lifetime: *Two Tracts on Government*, ed. P. Abrams (Cambridge, 1967); and *Essays on the Law of Nature*, ed. W. von Leyden (Oxford, 1954) [hereafter *ELN*].

²² J. Parkin, *Taming the Leviathan. The Reception of the Political and Religious Ideas of Thomas Hobbes in England, 1640-1700* (Cambridge, 2007), pp. 200-237. This was also true for the Royal Society, to which Locke was elected in 1668: N. Malcolm, 'Hobbes and the Royal Society', in G.A.J. Rogers & A. Ryan (eds.), *Perspectives on Thomas Hobbes* (Oxford, 1988), pp. 43-66.

which was a precondition for all civil peace and order.²³ This was a question which continued to preoccupy Locke throughout his life.²⁴

Hobbes argued that, because the individual's ideas of what was good or true were dictated by self-interest (what caused pleasure or pain) and custom (the teachings of self-interested others), consensus and mutual co-operation were impossible in the absence of undivided political authority. Reason did not afford man privileged access to a law of nature, which enshrined universally-obligatory, normative moral truths and provided the basis for social consensus. 'Of doctrines that dispose men to sedition', Hobbes declared in *De Cive* (1642), 'the first, without question is: *that knowledge of good or evil is a matter for individuals*'.²⁵ Society and civil peace were only possible once men recognised their duty to submit their private judgment to that of 'the publique Conscience': that is, once they surrendered their claim to identify moral and religious truths for themselves and submitted to the sovereign.²⁶ Hobbes argued that mankind, by reason alone, could know only of God's omnipotence, not of His attributes or will: the 'light of Nature' was silent on the question of eternal sanctions.²⁷ As Hobbes famously declared in *Leviathan* (1651), 'God has no Ends': in a very real sense mankind had been left to its own devices.²⁸ Law, expressing in a clear and comprehensible manner the 'will' of a superior possessed of attributes which entitled him to command others, could only derive from the 'mortal God' (the sovereign). Consequently natural law, as with all laws, could only be said to have acquired legislative status – that is, it only gained its obligatory force – when promulgated '*by Word, Writing, or other sufficient Sign of the Will*' by the magistrate and accompanied by the sanctions of the civil law. In the absence of sovereign

²³ See letters 104, 106, 115 and 118 (Oct. 1660-Apr. 1661) in *Correspondence of Locke*, i. For Locke's exchange with Towerson and a discussion of Locke's subsequent lectures, see Harris, *Mind of Locke*, pp. 75-107.

²⁴ G. Forster, *John Locke's Politics of Moral Consensus* (Cambridge, 2005).

²⁵ *De Cive*, ed. R. Tuck & trans. M. Silverthorne (Cambridge, 1998), [Ch.] 12. [Para.] 1, p. 131.

²⁶ *Leviathan*, ed. N. Malcolm (3 vols., Oxford, 2012), ii, 2.29, p. 502.

²⁷ *Leviathan*, ii, 2.31, p. 558: 'The Right of Nature, whereby God reigneth over men, and punisheth those that break his Lawes, is to be derived, not from his Creating them, as if he required obedience, as of Gratitude for his benefits; but from his *Irresistible Power*. [...] To those therefore whose Power is irresistible, the dominion of all men adhaereth naturally by their excellence of Power; and consequently it is from that Power, that the Kingdome over men, and the Right of afflicting men at his pleasure, belongeth Naturally to God Almighty; not as Creator, and Gracious; but as Omnipotent.'

²⁸ *Ibid.*, ii, 2.31, pp. 554-74 (on p. 564).

authority, there was no law: ‘just’ and ‘unjust’ lost all meaning, and men’s ideas of right and wrong remained irretrievably subjective and mutually-contradictory.²⁹

There is every reason to suggest that Locke largely accepted a number of Hobbes’s most fundamental insights – many of which, it should be said, were by no means unique to Hobbes.³⁰ Locke’s earliest correspondence betrays an unmistakeable pessimism regarding the human condition.³¹ In the ‘Two Tracts’, Locke drew similar conclusions to Hobbes from these insights into human psychology when it came to political and religious authority. The ‘interests of both public peace and the growth and dignity of religion’, Locke argued, could only be secured by a prudent, caring, but ultimately unaccountable sovereign and a trusting and obedient citizenship.³² The civil magistrate was no less fallible than his subjects when it came to identifying moral and religious truth. Yet he alone was able to provide an authoritative standard of good and ill, sacred and profane by which all of his subjects could agree to abide.³³ Locke shared a stridently voluntarist conception of law with Hobbes and others whom he read at this time, such as Robert Sanderson: law was the explicit command and will of a superior whose known attributes entitled him to govern.³⁴

Locke’s lectures on the law of nature, delivered as Censor of Moral Philosophy at Christ Church in 1663-4, indicate that he similarly recognised the acuity of one of Hobbes’s central contentions: natural law theorists had failed to establish the grounds of moral obligation. Locke rejected wholesale the

²⁹ *Ibid.*, ii, 2.26, pp. 414-50, esp. p. 430: ‘For though it be naturally reasonable; yet it is by the Sovereign Power that it is Law: Otherwise, it were a great error, to call the Lawes of Nature unwritten Law’. For discussion, D. Undersrud, ‘On Natural Law and Civil Law in the Political Philosophy of Hobbes’, *History of Political Thought*, 35:4 (2014), pp. 683-716.

³⁰ Hobbes was familiar with the sceptical writings of Montaigne, Charron and Gassendi (among others), which similarly developed a hedonic account of human psychology and emphasised the diversity of moral practice. On moral scepticism in this period, see R.H. Popkin, *The History of Scepticism from Savonarola to Bayle*, rvd edn (Oxford, 2003); and R. Tuck, *Philosophy and Government 1572-1651* (Cambridge, 1993). For Locke’s possible engagement with these thinkers, see *Political Writings*, ed. D. Wootton (Indianapolis, 1993), pp. 26-36; and D. Carey, *Locke, Shaftesbury, and Hutcheson: Contesting Diversity in the Enlightenment and Beyond* (Cambridge, 2006), pp. 34-68.

³¹ See, for example, Locke to ‘Tom’, 20 Oct. 1659, in *Correspondence of Locke*, i, pp. 122-4. De Beer identified the ‘Tom’ in question as Thomas Westrowe, who had studied at Christ Church with Locke in the 1650s, but the evidence for this attribution is limited.

³² ‘Second Tract on Government’ (c.1662), in *Two Tracts*, p. 218.

³³ The fallibility of the magistrate is discussed in a Latin manuscript of c.1661-2 denying the need for (or existence of) an infallible interpreter of Scripture – whether the Pope or the civil magistrate: PRO, Shaftesbury Papers, 30/24/47/33.

³⁴ For Locke’s debt to Sanderson’s *De Obligatione Conscientiae* (1660), see Abram’s discussion in *Two Tracts*, pp. 70-80.

arguments conventionally employed by natural lawyers to establish obligation: the doctrines of innate ideas and natural sociability, and the argument from universal consent. Locke's lectures betray his extensive reading of travel literature, which indicated the sheer diversity of the moral and religious ideas and practices entertained by different societies (ELN, 160-79).³⁵ From this point onwards, Locke adopted an empiricist position on knowledge acquisition. The 'souls' of men were 'empty tablets' at birth, which were afterwards 'to be filled in by observation and reasoning' on the data of sense-experience (ELN 137).³⁶

Locke's lectures nonetheless indicate important disagreement with Hobbes, and in this respect Locke departed significantly from his position in the 'Tracts'. Locke maintained that the law of nature enshrined eternal moral precepts which, obligatory on all mankind, were in principle accessible to every individual. This claim rested on the assumption that reason was sufficient to establish the legislative capacity and will of God (His 'Ends') – and the gratitude owed to him by His creatures – rather than merely His existence and power.³⁷ Here Locke opened up a hornet's nest of thorny epistemological questions which ultimately led him to a full-scale examination of the reach (and limits) of human understanding in the *Essay*. Locke's challenge was to prove what Hobbes deemed to be impossible: that man could acquire sufficient knowledge of the content and obligatory force of a law of nature of divine origin, without the need for Hobbes's 'mortal God'. For Locke, man's ultimate accountability was to his Creator. Locke now adopted a position which he would develop in all of his subsequent writings: the individual had to employ his 'labour' to acquire knowledge of natural law, which alone might offer normative 'rules by which to live'. This required the critical evaluation of those 'opinions [which] have crept into our minds with but little attention on our part' (ELN, 143). In Locke's final lecture, he noted that 'the rightness of an action does not depend on its utility; on the contrary, its utility is a result of its

³⁵ Carey, *Contesting Diversity*, pp. 34-68.

³⁶ J. Colman, 'Locke's Empiricist Theory of the Law of Nature', in P.R. Anstey (ed.), *The Philosophy of John Locke: New Perspectives* (London, 2003), pp. 106-26; Harris, *Mind of Locke*, pp. 81-2; and J.W. Yolton, *John Locke and the Way of Ideas* (Oxford, 1956).

³⁷ M. Ayers, *Locke: Epistemology and Ontology* (2 vols., London, 1991), ii, pp. 192-3 & n. 124, observes that Locke sought to reject Hobbes's position on this fundamental point.

rightness' (*ELN*, 215). This claim – whatever is useful is so because of its accordance with truth, not *vice versa* – hints at the teleological dimension of Locke's thinking, which would become more apparent when he returned to this point in the *Essay*. As can be seen by turning our attentions to the *Essay*, 'utility' nonetheless occupies a crucial place in Locke's attempt to offer a more comprehensive response to Hobbes on the origins of moral consensus and political authority, and on the relationship between human and divine (natural) law.

II

At the outset of the *Essay*, Locke identified '*three Sorts*' of '*Moral Rules, or Laws*' that had been established by philosophers to explain men's sense of obligation to adhere to compacts.³⁸ Each 'Law' was accompanied by its own sanctions. The first, and for Locke the only true law was that of the Christian: God required it of His created beings, and would hold the individual accountable for his moral actions on the Day of Judgment. The second law was that of the 'Hobbist': 'because the Publick requires it, and the *Leviathan* will punish you, if you do not'. The third law was provided by 'the old *Heathen* philosophers', most notably the Stoics, who argued that to do so was honest, and suitable to the dignity and perfection of a rational creature (*EHU* 1.3.5). The first rule was denominated 'the *Divine* Law', and concerned itself with sin and duty; the second 'the *Civil* Law', demarcating crimes and innocence; and the third was originally termed by Locke 'the *philosophical* Law', but from the second edition (1694) was renamed the 'Law of *Opinion* or *Reputation*', and was preoccupied with virtue and vice (*EHU* 2.28.7-10).

The sanctions enforcing the 'Law of *Reputation*' were praise and blame. These were in practice the most powerful of all in shaping men's conduct. Regrettably few individuals reflected upon God's laws and the terrible punishments of a future state. Even those who did might 'entertain Thoughts of future reconciliation, and making their Peace for such Breaches'. Meanwhile, in some countries men entirely

³⁸ For an earlier discussion of this tripartite conception of law, see the Latin manuscript entitled 'Lex Triplex', Bodleian Library, MS Locke f.3, p. 201 (15 July 1678).

lacked any idea of God – so these admittedly primitive communities were clearly regulated by an alternative rule. When it came to ‘the *Civil Law*’ upon which Hobbes placed such weight, Locke stressed its limited reach, and noted that men ‘frequently flatter themselves with the hopes of Impunity’. The reach and power of the ‘Law of *Reputation*’ was infinitely greater: ‘no Man escapes the Punishment of Censure and Dislike, who offends against the Fashion and Opinion of the Company he keeps, and would recommend himself to’. Few could bear the burden of living in disrepute (*EHU* 2.28.12).

A number of scholars have discussed Locke’s three ‘Laws’, and noted the emphasis he placed on the efficacy of the ‘Law of *Reputation*’.³⁹ Locke’s innovation, James Tully suggests, was to ‘translate humanism, its virtues and vices and motives of honour, praise, glory and reputation, into his juridical framework’. Tully suggests that no parallel to this ‘remarkable conceptual innovation’ can be found in the seventeenth century. This supports his overall argument that Locke was a leading architect of the modern conception of the individual ‘self’ as the product of assiduous self-discipline on pain of external disapproval (if also, for Locke, for fear of eternal punishment).⁴⁰

Yet as Tully observes, Locke’s emphasis on the tyrannical reach of the ‘Law of *Reputation*’ reflected a concerted meditation on the subject from the mid-1670s. During his first tour of France, in 1675-7, Locke translated three of the French Jansenist Pierre Nicole’s recently-published *Essais de Morale* (1671). In the third of these essays, ‘A Treatise concerning the Way of Preserving Peace with Men’, Nicole similarly foregrounded the desire for reputation in explaining why men felt obligated to adhere to the moral codes which prevailed in their societies: that is, he similarly placed the humanist virtues and vices

³⁹ Including: Ayers, *Locke*, ii, pp. 185-7; Brady, ‘Locke’s *Thoughts*’, pp. 345-50; Dawson, *Locke, Language*, pp. 218-38, 272-4; McClure, *Judging Rights*, pp. 215-47; and T. Stanton, ‘Authority and Freedom in the Interpretation of Locke’s Political Theory’, *Political Theory*, 39:1 (Feb. 2011), pp. 6-30.

⁴⁰ J. Tully, ‘Governing Conduct’, in E. Leites (ed.), *Conscience and Casuistry in Early-Modern Europe* (Cambridge, 1988), pp. 12-71, reprinted in *idem*, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge, 1993), pp. 179-241 (on pp. 210, 213). The essay is offered *in memoriam* of Michel Foucault, which partly explains the distinctive perspective it adopts. For further scattered remarks – not always consistent with the interpretation in ‘Governing Conduct’ – see *Locke in Contexts*, pp. 62-8, 281-314.

within a juridical framework, a point ignored by Tully.⁴¹ As would Locke in the *Essay*, Nicole distinguished between three types of law. The first was God's law [*lois de justice*], which was absolute, inflexible and followed solely by the regenerate few. The second type was civil law [*lois expresses*], which was strictly limited in its scope and reach. The third type of law was in practice the most important in regulating men's conduct in society. This was 'the law of decency [*lois de bienséance*], which is founded on the common consent of men, who have agreed to condemn those, who offend against it'. This law, firmly of man's own making, enforced a code of civility (*'les devoirs de civilité'*) which encouraged many of those virtues that were enjoined by Christian charity (generosity, humility, temperance).

Nicole's Augustinian theological commitments shaped his profoundly negative evaluation of the *lois de bienséance*.⁴² True virtue inhered in moral actions performed from a sincere love of God, which only recipients of divine grace possessed. Yet the 'law of decency' was followed for entirely the opposite reason (self-love), rewarding well-bred men (*'les honnêtes gens'*) with the praise of their neighbours and punishing those who transgressed with scorn and contempt. Almost all men were motivated to perform their duties by a concern for the good opinion of others ('the insipid considerations of the creatures'), and this 'cannot but render his performances lesse acceptable to his creator'. Society engulfed men further in sin and self-idolatry.⁴³ Nicole was nonetheless willing to accept that even as 'the virtues purely humane are but weaknesses', these impure motives might be considered within the context of what he termed God's '*grâce générale*'.⁴⁴ This was the means employed by God to lead men to act responsibly in their dealings with others, even as they deserved no credit whatsoever for having done so. Ultimately, however, Nicole's understanding of sin and redemption led him to consider the 'law of

⁴¹ 'A Treatise concerning the Way of Preserving Peace with Men', in *John Locke as Translator: Three of the Essais of Pierre Nicole in French and English*, ed. J.S. Yolton (Oxford, 2000), pp. 115-259, where the French original is presented alongside Locke's translation. Locke split the essay (as Nicole did not) into two, with separate paragraph numbering. Locke's translation has received relatively little historical attention, but see Ayers, *Locke*, ii, pp. 186-7; Harris, *Mind of Locke*, pp. 282-8, 384-7; and J. Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge, 1994), pp. 131-7, 178-86.

⁴² For contextual treatments of Nicole's moral theory, see E.D. James, *Pierre Nicole, Jansenist and Humanist: A Study of his Thought* (The Hague, 1972), pp. 99-136; N. Keohane, *Philosophy and the State in France* (Princeton, 1980), pp. 262-317; and M. Moriarty, *Disguised Vices: Theories of Virtue in Early Modern French Thought* (Oxford, 2011), pp. 241-52.

⁴³ 'Preserving Peace', in *Locke as Translator*, 2.82-91; 2.42-3.

⁴⁴ 'A Discourse on the Weaknesse of Man', in *ibid.*, pp. 43-113: [para] 61.

decency' to lead men away from, rather than towards God and moral truth.⁴⁵ Nicole reinforced a rigid (and, in the absence of grace, unbridgeable) distinction between moral action and motive, and between '*honnêteté humaine*' (acquired, natural virtue) and '*honnêteté parfait*' (the virtue of the elect).

Locke's eventual presentation of the 'three laws' in the *Essay* differed markedly from Nicole's. Locke, in short, offered a far more positive evaluation of the *lois de bienséance*. For Locke, there was no necessary conflict between the three laws, all of which potentially led men to the performance of their duties under natural law (to oneself, God and one another). There is no mention by Locke of the need for an infusion of divine grace for men to lead a truly moral life.⁴⁶ Men's desires no less than their reason constituted a crucial part of their divinely created nature. Almost all men considered a good reputation to be essential to their happiness in this life; and this was a verdict which Locke, unlike Nicole or Pascal, neither denied nor considered to be irreconcilable with Christian soteriology. Locke's journal entries from the later 1670s offer us a privileged insight into the development of Locke's thinking on this head. They show Locke preoccupied with working through the implications for morality of a hedonic psychology, and particularly focused on the strength and consequences of man's craving for esteem. Here Locke betrayed his close reading of French authors such as Nicole and Pierre Gassendi.⁴⁷ Locke's commonplace book from 1679 also reveals his keen interest at this time in the quintessential humanist guidebook to good breeding, Baldassare Castiglione's *Libro del Cortegiano* (1528). Locke was

⁴⁵ This tension within Nicole's moral theory is discussed in illuminating fashion by J. Herdt, *Putting on Virtue: The Legacy of the Splendid Vices* (London, 2008), pp. 249-61.

⁴⁶ In his third lecture of 1663-4, Locke noted that the question of the Fall 'does not particularly concern philosophers', a position he would maintain even as he might have remained torn on the issue throughout his life (*ELN*, p. 139). For Locke's position on the question of original sin, compare and reconcile I. Harris, 'The Politics of Christianity', in G.A.J. Rogers (ed.), *Locke's Philosophy: Content and Context* (Oxford, 1994), pp. 197-215; Marshall, *Religion and Responsibility*, pp. 141-6; V. Nuovo, *Christianity, Antiquity and Enlightenment: Interpretations of Locke* (London, 2011), pp. 21-52; and W.M. Spellman, *John Locke and the Problem of Depravity* (Oxford, 1988).

⁴⁷ Locke's development of a hedonic theory of motivation was almost certainly informed by Pierre Gassendi's writings on the subject. For the most forceful statement of Locke's intellectual debt to Gassendi, see T.M. Lennon, *The Battle of the Gods and Giants: The Legacies of Descartes and Gassendi, 1655-1715* (Princeton, 1993), pp. 149-90.

drawn to the psychological insights it offered – not least that ‘we all love commendations & very hardly defend our selves from flattery’.⁴⁸

In a journal entry of 1675, Locke reaffirmed Nicole’s emphasis on the superior efficacy of a concern for reputation over a love of God: ‘The 1st Question, every man ought to aske in all things he doth, or undertakes; is, how is this acceptable to God? But the first Question most men ask, is, how will this render me to my Company, and those, whose esteeme I value? He that asks neither of these Questions is a melancholy Rogue, & allways of the most dangerous, & worst of men.’⁴⁹ Locke returned to this point in 1678: ‘The principle spring from which the actions of men take their rise, the rule they conduct them by, & the end to which they direct them seeme to be credit and reputation’. So powerful was this concern that he who ‘wou[ld] governe the world well had need consider rather what fashions he makes then what laws & to bring anything into use he need only give it reputation’.⁵⁰

Why was Locke so interested in man’s natural desire for esteem? Here it is significant that another important presence in Locke’s journals from this period was Richard Hooker. Locke observed that Book I of Hooker’s monumental *Laws of Ecclesiastical Polity* (1594), by ‘inlarging’ the conventional ‘sense’ of law, termed ‘any kinde of rule or Canon whereby actions are framed a law’.⁵¹ This indicates how, from the 1670s, Locke recognised the power of an alternative definition of law, one seemingly at odds with the voluntarist conception which nonetheless continued to structure his thinking. After all, the ‘Law of Reputation’ did not represent the explicit command of a superior whose known attributes entitled him to govern. In this regard, Locke made it clear that strictly speaking this was no ‘law’ at all;

⁴⁸ MS Locke d.1, p. 57 (1679), though cf. p. 29 (on friendship) and p. 65 (on *sprezzatura* as the product of imitative repetition and self-discipline). Locke owned three editions of the work, one in Italian (1547) and two in Latin (1577, 1619): *The Library of John Locke*, ed. J. Harrison & P. Laslett, 2nd edn (Oxford, 1971), nos. 626-627a. For the remarkable European influence of the *Cortegiano* in the early-modern period, see P. Burke, *The Fortunes of a Courtier* (Cambridge, 1995).

⁴⁹ MS Locke c.27, f.30^r (1675).

⁵⁰ MS Locke f.3, pp. 381-2 (12 Dec. 1678).

⁵¹ Locke’s journal from 1681 shows that he purchased the *Ecclesiastical Polity* on 13 June; his reflections on Hooker’s conception of law can be found in an entry dated 26 June: MS Locke f.5, pp. 67, 73-7 (on p. 74). Locke refers to *Of the Laws of Ecclesiastical Polity*, in *The Works of that Learned and Judicious Divine Mr. Richard Hooker* (London, 1676), 1.2, p. 70. The ‘judicious Hooker’ is a similarly presiding presence in the discussion of law in the *Second Treatise*, in which Locke refers to the *Ecclesiastical Polity* no fewer than sixteen times. For the significance of Locke’s reading of Hooker at this time, see J.R. Milton, ‘Dating Locke’s *Second Treatise*’, *History of Political Thought*, 16:3 (1995), pp. 356-90.

and yet in practice it acted like one, and was crucial in explaining why men behaved as they did (rather than necessarily as they ought) in society. Hooker nonetheless vindicated Locke's own subsequent presentation of opinion as a 'law' because it framed men's actions in a manner which for the most part conduced to their collective well-being: a definition of law advanced by Hooker in highly distinctive fashion in the *Ecclesiastical Polity*.

Here it is important to note Locke's conviction that human nature could, properly examined, reveal information about God's 'Ends' and intentions for mankind. As he noted in 1676, 'God has [so] framed the constitutions of our minds and bodies that several things are apt to produce in them pleasure and pain, delight and trouble, by ways that we know not, but for ends suitable to his goodness and wisdom'.⁵² Locke's thought was structured at every level by a divine teleology: this point is essential for an understanding of why Locke's evaluation of man's desire for others' approval was far more positive than Nicole's – and, will be seen, Hobbes's.⁵³ God, Locke repeatedly insisted, did nothing in vain, and to reflect on human nature and man's natural desires was to gain an understanding of His purposes for His created beings: 'we can infer the principle and a definite rule of our duty from man's own constitution and the faculties with which he is equipped' (*ELN*, 157).⁵⁴ Castiglione recognised the craving for esteem to be among the strongest of human desires; and Locke, in turn, provided an explanation of how it led mankind to serve the ends for which they had been created.

Locke agreed with Nicole that ideas of virtue and vice denominated 'nothing else, but that, which has the allowance of publick Esteem' (*EHU* 2.28.10-11). Yet the 'Law of *Reputation*' was not arbitrary: it developed on the basis of what a particular society found beneficial and advantageous in furthering its own ends. It followed that moral distinctions differed between societies separated in space and time,

⁵² MS Locke f.1, pp. 325-6 (16 July 1676). This entry is mostly in shorthand, and I use Von Leyden's transcription in *ELN*, p. 265.

⁵³ For discussion, see T. Stanton, 'Natural Law, Nonconformity, and Toleration: Two Stages on Locke's Way', and I. Harris, 'John Locke and Natural Law: Free Worship and Toleration', in J. Parkin & T. Stanton (eds.), *Natural Law and Toleration in the Early Enlightenment* (Oxford, 2013), pp. 25-57, 59-105.

⁵⁴ This point is well expressed by Forster: 'Because human nature was made by God, it can show us God's moral plan for humanity' (*Moral Consensus*, p. 11); see, too, Ayers, *Locke*, ii, p. 187; Dawson, *Locke, Language*, pp. 278-9; and E. Rossiter, 'Hedonism and Natural Law in Locke's Moral Philosophy', *Journal of the History of Philosophy*, 54:2 (2016), pp. 203-25.

since practices that were found necessary and advantageous to one might prove disastrous to another. In ‘Of Ethick in General’ (c. 1686-8), originally composed as a chapter to be included in the *Essay*, Locke reduced these variations to a ‘generall rule’. ‘Those actions are esteemed virtuous’, Locke declared, ‘which are thought absolutely necessary to the preservation of societys, & those that disturb or dissolve the Bonds of community are every where esteemed ill & vitious’.⁵⁵ At this point in his argument Locke returned to the question of the relationship between utility and truth, and human and divine law, with which he had ended his lectures of 1663-4. Locke argued that God in his goodness had, ‘by an inseparable connexion, joined *Virtue* and publick Happiness together; and made the Practice thereof, necessary to the preservation of Society, and visibly *beneficial* to all, with whom the Virtuous Man has to do’ (*EHU* 1.3.6). Locke emphasised that there was ‘nothing that so directly, and visibly secures, and advances the general Good of Mankind in this World, as Obedience to the Laws, [God] has set them, and nothing that breeds such Mischiefs and Confusion, as the neglect of them’ (*EHU* 2.28.11). As a consequence of God’s design, in seeking collectively to improve their lot in this life men in society invariably behaved in ways broadly conformable to the laws ‘set’ for them by God.

Here Locke’s hedonic explanation of human action is important. In a journal entry of 1676, Locke noted that men were moved solely by a desire for pleasure and aversion to pain, and that their passions were overwhelmingly self-regarding.⁵⁶ In their natural state men were inherently solipsistic, and considered as ‘good’ whatever advanced their immediate interests. Here again Locke broadly accepted Hobbes’s premise: ‘Men’s Appetites’ would, Locke agreed, ‘if left to their full swing, [...] carry Men to the over-turning of all Morality’ (*EHU* 1.3.13). However, Locke noted that ‘since men in society are in a far different estate than when considered single and alone, the instances and measures of virtue and vice are very different’.⁵⁷ In explaining the transformation of man’s appetites in society – their sense of

⁵⁵ MS Locke c.28, f. 148. For an earlier statement of this point, MS Locke f.3, pp. 266-7 (26 Aug. 1678): ‘That vertue is but the name of such actions as are most conducing to the good of society & are therefor by the society recommended by all meanes to the practise of the people seems to me very plain’.

⁵⁶ MS Locke f.1, pp. 325-47 (16 July 1676): partially in shorthand, and transcribed by Von Leyden, *ELN*, pp. 265-72.

⁵⁷ MS Film 77, pp. 10-11 (1681).

what was desirable, and what was not – the desire for esteem was crucial. As Locke had commented in 1663-4, ‘a great number of virtues, and the best of them, consist only in this: that we do good to others at our own loss’ (*ELN*, 150). On account of their desire for esteem, men’s ideas of what conduced to their happiness altered significantly and irreversibly in society. What might seem an irrational course of action to the self-centred pre-social individual – acts of charity, for example – no longer appeared so to the socialised man who recognised the pleasure of acting in ways approved of by others. ‘Reputation’, Locke observed, ‘I finde every body is pleased with and the want of it is a constant torment’: for almost all men it constituted an essential part of their happiness.⁵⁸ Any ‘loss’ incurred by the virtuous man, then, was more than compensated for by the pleasure derived from esteem. ‘If then happinesse be our interest end & business’, Locke declared in 1692, ‘tis evident the way to it is to love our neighbour as our self, for by that means we enlarge & secure our pleasures, since then all the good we doe to them redoubles upon our selves & gives us an undecaying & uninterrupted pleasure’.⁵⁹

Locke observed that a good reputation was advantageous to the individual, because it further energised him to endeavour to be worthy of it – a point made strongly by Castiglione as by Cicero (on whose *De Officiis* and *De Oratore* the *Cortegiano* was modelled).⁶⁰ It furnished him with ‘a sort of moral strength, whereby a man is enabled to do, as it were, by an augmented force, that which others, of equal natural parts and natural power, cannot do without it’. The lack of esteem, conversely, ‘makes a man incapable of having the authority, and doing the good, which otherwise he might’.⁶¹ If this was something of a humanist commonplace, however, the novelty of Locke’s interpretation lay in his emphasis on the beneficial social function of this concern for reputation. Here it is important to note that this powerful desire to win the esteem of others (‘glory’) had been foregrounded by Hobbes, but considered

⁵⁸ MS Locke c.28, f.143^v (c. 1686-8).

⁵⁹ MS Locke c.42B, p. 224 (1692).

⁶⁰ J. Richards, ‘Assumed Simplicity and the Critique of Nobility: Or, How Castiglione Read Cicero’, *Renaissance Quarterly*, 54:2 (2001), pp. 460-86. For Locke’s abundantly testified reverence for Cicero, see Marshall, *John Locke*, pp. 157-204, 292-326; and Phillip Mitsis, ‘Locke’s Offices’, in J. Miller & B. Inwood (eds.), *Hellenistic and Early Modern Philosophy* (Cambridge, 2003), pp. 45-61. For Locke’s broader engagement with humanist rhetorical techniques and arguments for toleration, see G. Remer, *Humanism and the Rhetoric of Toleration* (Pennsylvania, 1996), pp. 203-48.

⁶¹ MS Film 77, pp. 10-11 (1681).

eminently dangerous. The concern for ‘Reputation’ was one cause of conflict between men in their natural state.⁶² In marked contrast it allowed Locke to explain how society might have been possible prior to – and without the need for – political authority, notwithstanding man’s selfish and asocial tendencies.⁶³

In an early (1671) draft of the *Essay*, prior to his development of the concept of a ‘law’ of opinion, Locke had noted that even ‘if there were noe law noe punishment noe obligation humane or divine, yet there must & would be in the societys of men notions of virtues & vices Justice temperance & Fortitude &c’.⁶⁴ Yet given his denial of a natural predisposition to the good – whether on the basis of man’s inherent sociability, innate ideas, or natural moral conscience – it is unclear how Locke thought this claim could be substantiated. This is what man’s natural desire for esteem allowed Locke, in 1689, to begin to explain. It rendered the Lockean individual pliable, and ensured that his estimations of what was pleasurable or painful were shaped in socially-beneficial ways through his interaction with others. The ‘Law of *Reputation*’ could serve effectively, insensibly and quite naturally to render men’s sense of their own interest broadly conformable to that of the society of which they were a part, so concerned were they to win the approval of others. A reconciliation between private and public interest was possible without the need for Hobbes’s Leviathan state.

It is worth reflecting further on the relationship between the ‘Law of *Reputation*’, guided by temporal utility, and the law of nature, which expressed God’s will and decree – between the local and the transcendent, the contingent and the immutable. Locke’s theory of ideas and language in the *Essay* only further complicated his fundamental claim that the law of nature was accessible to human reason: the epistemological difficulties, Locke came to recognise, were great indeed. Yet Locke argued that visceral experience was crucial: that is, mankind’s collective struggle to overcome the obstacles presented by a

⁶² ‘In the nature of man, we find three principall causes of quarrel. First, competition; Secondly, Diffidence; Thirdly, Glory. The first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation’: *Leviathan*, ii, 1.13, p. 192.

⁶³ Locke’s concern to ‘explain society in terms that were independent of government’ is emphasised by I. Harris, ‘The Legacy of *Two Treatises of Government*’, *Eighteenth-Century Thought*, 3 (2007), pp. 143-68 (on p. 157).

⁶⁴ ‘Draft A’ (1671), in *Drafts for the Essay concerning Human Understanding, and Other Philosophical Writings*, ed. P.H. Nidditch & G.A.J. Rogers (Oxford, 1990), §25, p. 41.

less than bounteous Mother Nature, a process within which men's reasoning faculties themselves developed from a low base. This taught individuals to behave in ways consistent with the immutable duties of natural law, even if they failed to understand (on the basis of reason) why they *ought* to do so. To employ a distinction favoured by Hooker – whose conception of human reason was rather less naïvely optimistic than is sometimes supposed – men might 'apprehend' truths which they nonetheless could not fully 'comprehend'.⁶⁵ 'It must be allowed', Locke argued, 'that several Moral Rules, may receive, from Mankind, a very general Approbation, without either knowing, or admitting the true ground of Morality' (EHU 1.3.6) In a journal entry of 1693, Locke made this point particularly clearly: 'There be two parts of Ethicks, the one is the rule which men are generally in the right in (though perhaps they have not deduced them as they should from their true principles). The other is the true motives to practice them and the ways to bring men to observe them, & these are generally either not well known or not rightly applyd'.⁶⁶ Societies might collectively act in ways which were consistent with natural law despite their ignorance of its true foundations. Here Locke distinguished between moral motivation and obligation in a manner which is highly distinctive, not least when compared with Nicole and Hobbes.⁶⁷ The 'true ground of Morality' could only be grasped by those who recognised the existence of a divine creator who governed the world, imposed duties on men, and would reward or punish them on the Day of Judgment. Locke expressed doubt in the *Essay* that these cardinal, but complex ideas could be established on grounds more firm than probability on the basis of reason alone. Yet visceral experience might provide what ratiocination, without the assistance of revelation, struggled to offer: sufficiently compelling reasons to live in a manner which was broadly consistent with one's duties as God's creature.

In this regard, Locke argued that the 'Law of *Reputation*' served a useful, even indispensable purpose, in supplementing civil law. Locke's explanation of the functioning of the 'Law of *Opinion*' was, for want of

⁶⁵ On which, see Hooker's sermon 'Of the Certainty and Perpetuity of Faith in the Elect', preached in 1685-6 and included in the 1676 edition of Hooker's *Works*, which Locke purchased in 1681: *Works of Hooker*, pp. 550-56.

⁶⁶ MS Locke c.28, f. 113^r (1693).

⁶⁷ Stanton, 'Hobbes and Locke', p. 77; Ayers, *Locke*, ii, p. 194.

a better description, ‘bottom-up’ rather than ‘top-down’. ‘There are’, Locke observed in 1677, ‘several things to be introduced by custom & fashion which are of great use and yet cannot be well established by laws’.⁶⁸ This process, Locke emphasised, was an overwhelmingly good thing: ‘if well considered, [it] will give us better boundaries of virtue and vice than curious questions stated with the nicest distinctions’. Those virtues which made life in society pleasurable – such as ‘civility, charity, [and] liberality’, which Locke valued very highly indeed – necessarily existed independently of retributive justice and could not be dictated or enforced by civil law.⁶⁹ In the far from Utopian commonwealth outlined in journal entries entitled ‘Atlantis’, Locke further noted the efficacy and importance of the communal enforcement of moral discipline in a manner which might have chimed with his early-modern English readers, who were well-acquainted with the extensive practice of neighbourhood self-government.⁷⁰ ‘Every man being a watch upon his neighbour’, Locke argued, ‘faults will be prevented, which is better than that they should be punished’. ‘More things’, he continued, ‘for the good of the publique are to be introduced by custome & fashion then by law & punishment’.⁷¹

A case in point was female ‘modesty’. ‘Many things’, Locke argued, ‘naturally become vices in society, which without that would be innocent actions’. Female promiscuity was not clearly proscribed by either ‘nature or reason’: ‘modesty, the great virtue of the weaker sex, has often other rules and bounds set by custom and reputation, than what it has by direct instances of the law of nature or in a solitude or an estate separate from this or that society’. It was solely her concern to avoid ‘any blemish on her reputation’ that led a woman to take pleasure in a monogamous relationship, thereby dedicating herself to ‘the chief end of her being, the propagation of mankind’ (a fundamental duty emphasised in the *Treatises*). This illustrated how the individual’s sense of her ‘interest’ and ‘happiness’ altered significantly

⁶⁸ British Library Additional Manuscripts [BL Add. MS] 15,642, p. 22 (22 Feb. 1679).

⁶⁹ MS Locke c.28, f. 140^v (c. 1677-8). For Locke’s (entirely conventional) regard for these virtues, see Harris, *Mind of Locke*, pp. 17-44, 252-89; and Marshall, *Religion and Responsibility*, pp. 157-204, 292-326.

⁷⁰ As noted by McClure, *Judging Rights*, pp. 137-43. For local government in this period, C. J. Clover, ‘Law and the Order of Popular Culture’, in A. Sarat & T.R. Kerns (eds.), *Law in the Domains of Culture* (Ann Arbor, MI, 1998), pp. 97-119; and Steve Hindle, *The State and Social Change in Early Modern England, c. 1550-1640* (New York, 2000), pp. 94-115.

⁷¹ MS Locke f.2, pp. 297-8 (14 Oct. 1677); c.42B, p. 36 (1679).

and beneficially in society, and did so in ways which brought it into line with the duties enshrined in natural law.⁷²

Locke's understanding of the crucial role played by the 'Law of *Reputation*' in leading men to perform their duties under natural law impacted upon his understanding of the jurisdiction and role of political authority in important ways. The ideas of virtue and vice which prevailed in a given society were contingent, and evolved quite naturally according to what was visibly beneficial to the community as a whole. In a similar vein, Locke argued that civil law ought to evolve according to what was found to be publicly useful. In a journal entry of 1681, Locke noted that knowledge of government, like that of natural bodies, was to be gleaned only from 'history & matter of fact'. The way of discovery in natural philosophy ought similarly to inform the political prudence required of legislators.⁷³ Rather than searching for speculative truths, the magistrate ought solely to concern himself with practical knowledge of what courses of action proved to be publicly beneficial: on the latter issue he could 'scarce err', whereas on the former such error was inevitable.⁷⁴ Thus understood, the '*Civil Law*' supplemented the moral codes which had already recommended themselves to the 'Law of *Reputation*': it did not, as for Hobbes, constitute them. This is not to say, of course, that Locke did not attach great importance to justice, and hence to civil law: from the moment the invention of money had inflamed man's desires and disturbed peaceful co-existence in the state of nature, political authority was essential (*TT* II: §45-51).⁷⁵ For this reason, justice was 'the greatest and difficultest duty'; once established, 'the rest will not be hard'.⁷⁶ Instead, it is to make the point that, for Locke and unlike Hobbes, a sense of common interest and moral accountability nonetheless existed independently of government.

⁷² MS Film 77, pp. 10-11 (1681); see, too, BL Add MS 15,642, p. 22 (1679).

⁷³ As James Tully argues, Locke draws 'a definitive division between political theory and empirical political science', and in the *Treatises* seeks primarily to offer the former: *A Discourse on Property*, pp. 28-30.

⁷⁴ MS Locke f. 5, pp. 77-83 (26 June 1681); 'An Essay concerning Toleration' (1667), in *Political Writings*, pp. 191-2.

⁷⁵ *Two Treatises of Government*, ed. P. Laslett (Cambridge, 1988). References to the relevant *Treatise* and paragraph number are provided in brackets in the text, as above.

⁷⁶ MS Locke c.28, f. 140^r (c. 1677-8). For comprehensive discussion of the invention of money as perpetuating a moral-epistemological crisis only overcome through the construction of political institutions and civil law, see McClure, *Judging Rights*, pp. 156-87.

These two manmade ‘Laws’ were mutually-complementary: both developed according to the needs of the community. Given that the law set for men by God was intended for their benefit as well as His glory, in properly-constituted political societies these laws were broadly consistent with natural law. Locke provided two examples to make this point. The first was historical (late republican, pre-Christian Rome), the second more theoretical (the depiction of social development in the *Second Treatise*).

‘Even in the Corruption of Manners,’ Locke declared, ‘the true Boundaries of the Law of Nature, which ought to be the Rule of Vertue and Vice, were pretty well preserved’ (*EHU* 2.28.11). Given what he goes on to say, it seems clear that here Locke has a distinctly advanced and ‘civilized’ heathen society, ancient Rome, primarily in mind. Rome offered an example of how, in well-regulated heathen societies, those actions that ‘*visibly*’ contributed to ‘publick Happiness’ were denominated virtues, and those that exercised a contrary effect were denounced as vices. In ‘old Rome’, speculative philosophers had fundamentally misunderstood the ‘true ground of Morality’, concocting erroneous theories of moral obligation and man’s true end (the *summum bonum*) (*EHU* 2.21.55).⁷⁷ Yet in practice, the failings of the heathen philosophers had been of negligible consequence. It was not to ‘these learned Disputants’ but rather to ‘Statesmen that the Governments of the World owed their Peace, Defence, and Liberties; and from the illiterate and contemned Mechanick (a Name of Disgrace) that they received the improvements of useful Arts’ (*EHU* 3.10.9).⁷⁸ The dogmatic philosophers were left to bicker on the margins of a civil society to which they contributed nothing.

Meanwhile the national (pagan) religion had nothing to say regarding morality, and its teachings were not held accountable to reason: it simply offered a means by which the credulous multitude might allay their fears regarding the gods’ vengeance and secure their favour.⁷⁹ The civil magistrate in Rome

⁷⁷ Locke’s mockery of the moral philosophy of the ancients bears a striking similarity to Hobbes’s: compare the passage referred to above with *Leviathan*, ii, 1.11, p. 150. Locke made this point even more strongly in the *Reasonableness of Christianity*.

⁷⁸ This passage first appears in ‘Draft B’ (1671) in *Drafts for the Essay*, §88, p. 196.

⁷⁹ Cf. MS Film 77, p. 93 (1698). For the absence of any rational examination of the truth-claims of pagan religion, see the ‘Discourse of Miracles’ (c.1702) in *Writings on Religion*, ed. V. Nuovo (Oxford, 2002), p. 45: ‘it is an astonishing Mark of

perfectly understood his commission as being confined to the security and temporal well-being of his society – a central theme in Locke’s *Reasonableness of Christianity* (1695) – and had no interest in imposing particular speculative opinions in either religion or morality. For precisely this reason, Locke observed in 1676 that ‘heathen politics’ revealed the true purpose and jurisdiction of civil government: they showed that ‘there can be noe other end assigned’ to government ‘but the preservation of the members of that society in peace & saf[e]ty together’, and this ‘give[s] us the rule of civil obedience’.⁸⁰ The Roman magistrate’s (correct) grasp of the scope and end of his authority ensured that the ideas of virtue and vice entertained by the society at large were permitted to evolve, quite naturally, according to what was found to be in the public interest. On account of God’s guarantee of a harmony between public utility and normative duty, the ‘Law of *Reputation*’, the ‘*Civil Law*’ and ‘*Divine Law*’ (as yet largely unknown to men) remained in some degree of harmony. It was, indeed, due to ‘the wonderful Providence of God’ that Christ was made flesh in an age and place where the scope and jurisdiction of human law was properly understood (RC 120).⁸¹

In the *Second Treatise*, Locke similarly hints at this separation between moral motivation and obligation, practical conduct and speculative knowledge. One archetypal truth underpinning the *Treatises* was that the ‘Law of Nature [...] teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions’. There is a distinction between this claim, and the subsequent explanation Locke provided as to why men ought not to do so. They are ‘all the Workmanship of one Omnipotent, and infinitely wise Maker’, every individual is ‘his Property’, and therefore every man is ‘*bound to preserve himself*’ as well as ‘*the rest of Mankind*’ (T II: §6). The latter provides the true (normative) ‘Rule’ that establishes why men ought to perform their duties, and respect one another’s inalienable rights. As Jeremy Waldron and others have

how far the God of this World has blinded Mens Minds, if we consider that the Gentile World receiv’d and stuck to a Religion, which, not being derived from Reason, had no sure Foundation in Revelation’.

⁸⁰ MS Locke f.1, pp. 124-5 (25 Feb. 1676).

⁸¹ The envious Jews insinuated that Christ’s claim to kingship threatened the civil magistrate’s authority, but Pilate recognised such a claim to be specious: ‘for a Kingdom in another World, *Pilate* knew that his Master at *Rome* concerned not himself: *The Reasonableness of Christianity* [1695], in *Writings on Religion*, pp. 85-210 (on pp. 118-19). Henceforth page numbers are referred to in brackets in the text.

noted, however, there is no suggestion that, in practice, it was the rational comprehension of this rule that led men to behave in ways conformable with the law of nature.⁸² Instead Locke offers a more naturalistic, anthropological story which is broadly consistent with his hedonic psychology and sceptical epistemology in the *Essay*. Locke's emphasis rests on men's 'needs' and 'wants', which in society naturally led them to act in accordance with 'the voice of reason confirmed by inspiration' (the Scriptures), with 'God and his Reason', with 'the Law of God and his nature'. God 'directed' man in his natural state 'by his Senses and Reason' to 'make use of those things, that were necessary or useful to his Being' (*T* I: §86). Two elements are combined in the *Treatises* – the explanatory, and the normative – without any apparent tension. The unity between the two (men's desires and needs, and God's commandments through revelation) is ensured by God's authorship of both.⁸³

Men following the 'Dictates of the Law of Reason which God had implanted in him' were led into society for the sake of 'Necessity, Convenience, and Inclination' (*T* II: §77). Here the individual's sense of his own interest was beneficially and providentially altered by 'the mutual Influence, Sympathy, and Connexion' he experienced with others (*T* II: §212). Definitions of virtue were shaped by what was found to be advantageous to that society as a whole, as Locke's favourite example of '*Conjugal Society*' once again illustrated; and this process allowed that society to further the ends for which it was constituted ('nothing being necessary to any Society, that is not necessary to the ends for which it is made') (*T* II: §83).⁸⁴ Men's desires were moulded in society in a manner that encouraged them to act in ways broadly conformable to the 'Law of Nature' (made synonymous with '*Divine Law*'). The 'Law' established in civil society by 'tacit Agreement' in the *Second Treatise* is the '*Rule of Propriety*', a term used interchangeably with the 'Law of Reputation' in the *Essay* (*EHU* 3.7.7; *T* II: §36). All is guided by a concern for '*the Conveniency of Life*' and the pursuit of temporal happiness. Even as they failed to

⁸² J. Waldron, 'John Locke: Social Contract Versus Political Anthropology', *Review of Politics*, 51:1 (1989), pp. 3-28; Casson, *Liberating Judgment*, pp. 223-33; McClure, "'Cato's Retreat'"; and Shanks, *Authority Figures*, pp. 87-111.

⁸³ Harris, 'Legacy of the *Two Treatises*', pp. 163-7.

⁸⁴ In this regard the great error of Filmer's patriarchal account of the origins of political obligation was qualitatively identical to that of the 'Arch-Philosopher' Aristotle and the Stoics in their moral theory: he took a practice that had developed on the basis of its utility—conjugal society, and a respect for the '*Authority and Government*' of one's father—as true in itself (and, in Filmer's case, divinely commanded) (*T* II: §74-5).

comprehend the true ‘Rule’ explaining why they ought to do so, men’s divinely-implanted desires naturally led them into society and, once there, the concern for esteem helped to ensure that, collectively, they served the purposes for which they had been created.⁸⁵ It was for this reason that Locke rendered utility and virtue synonymous (‘it was useless, as well as dishonest [...]’) (*T* II: §36; §51).

In the *Treatises* Locke is less interested than in the *Essay* in exploring how men’s living together ‘affects them psychologically and morally’.⁸⁶ The identification of the ‘*Rule of Propriety*’ with the *Essay*’s ‘Law of Reputation’ nonetheless offers a means of better understanding a ‘Doctrine’ which Locke thought his reader would find ‘very strange’. This was his foundational claim that, in the state of nature, every man has the ‘right’ to punish those who transgress the law of nature, and hence to assist their neighbours to preserve their lives and possessions (*T* II: §7-9).⁸⁷ The *Treatises* establish the theoretical grounds of this right, which was nothing but the performance of the individual’s duty under natural law to ‘*preserve the rest of Mankind*’. In the absence of a firm rational grasp of their normative duties, however, we might ask what could have motivated self-interested men *in practice* to exercise themselves on others’ behalf? Even as Locke was not required to offer such an explanation in a work of political theory, it is nonetheless arguable that he had the conceptual resources at his disposal to do so had he felt it necessary. Men’s ability to agree on a ‘*Rule of Propriety*’, and their motivation to adhere to it, was ultimately a consequence of their mutual desire for the good opinion of others. This craving for admiration and esteem, in turn, provides a compelling reason why individuals might *actively* assist their neighbours to enforce a ‘*Rule*’ which had been found conducive to their common advantage. John Dunn observes that in the *Treatises* Locke simply assumes that men had never lived, as Hobbes suggested, in an ‘ethical vacuum’ out of which political society had to be created. For Dunn, this point illustrates that Locke was addressing a quite different ‘problem’ to Hobbes; consequently comparing his work to Hobbes’s ‘is *not* the way to

⁸⁵ On the origins and implications of human sociability, see MS Locke f.3, p. 202 (15 July 1678).

⁸⁶ Plamenatz, *Man and Society*, i, p. 344.

⁸⁷ For the distinctive nature of Locke’s theory of popular sovereignty, see Tully, *Locke in Contexts*, pp. 15-29, 299-300.

approach the study of Locke'.⁸⁸ Yet Locke's apparently untroubled assumption in his political theory that an understanding of justice and the social virtues exists – and is felt to impose obligations on men – in their pre-political state *assumes* what Locke had elsewhere worked out and *explained*, in large part as a means of responding to Hobbes. When read in the context of Locke's social theory and moral philosophy as a whole, the *Second Treatise* offers us an individual who is beneficially, providentially and irreversibly shaped by the society of which he is a part.

III

If the foregoing indicates the constructive, explanatory role accorded to a concern for reputation in Locke's account of the development of societies, his thinking on this score was nonetheless deeply ambivalent. Indeed, Locke's theory of social development has something of Adam Smith's 'natural progress of opulence' in the *Wealth of Nations* about it: that is, it describes how things ought optimally, even providentially, to have unfolded; how they had, indeed, done so for a time; but how, due to accident, caprice and the inherent weakness of human nature, this process had been subverted. The consequences of such subversion were, however, uniformly negative for Locke. By way of example: in the *Treatises* Locke implied that certain primitive, indigenous, heathen societies in the Americas offered real-world instantiations of the relatively harmonious and peaceful state of nature from which all men and civil government supposedly emerged. The 'Woods and Forests' were fit to give rules to 'those that call themselves Civil and Rational' (II, I: §58).⁸⁹ Yet the *First Treatise* is, like the *Essay*, crammed with 'tales of the wandering undead, cannibalistic rituals, and castrating fathers', illustrating how egregiously entire primitive communities had nonetheless violated the dictates of natural law.⁹⁰

⁸⁸ J. Dunn, *The Political Thought of John Locke* (Cambridge, 1969), pp. 77-9.

⁸⁹ Elsewhere, too, when Locke is exploring the capacity of societies to cohere independently of government, heathen communities such as the native Canadians possess a purer, seemingly intuitive understanding of morality and the true purpose of erecting civil government in the first place: see MS Locke c.33, f. 11 (25 March 1679).

⁹⁰ Shanks, *Authority Figures*, p. 85, who offers a perceptive interpretation of the purpose of Locke's grotesque and fabulous tableaux.

Even more startling, however, is Locke's depiction of the consequences of Christianity for the moral regulation of those societies which had embraced the true faith. After all, Locke's moral theology was predicated upon the claim that gospel Christianity had revealed what human reason had attempted, but struggled, to identify: the 'true ground' of moral obligation in God's will and command, enforced by His eternal sanctions. It showed, in other words, why those actions which men nonetheless performed because they found it pleasurable to do so (thereby securing the good opinion of others) possessed a genuinely *moral* quality, and why all of mankind were duty-bound to perform them. Revealed Christianity, then, did not contradict reason (hence its 'reasonableness') even as it enlarged upon its insights to provide what reason alone could not (hence its 'necessity') (RC, 191-201). The Christian revelation had in theory perfected mankind's moral knowledge, and strengthened their motives to live righteously given its promise of salvation (EHU 2.21.60). It was for this reason that Locke repeatedly declared that men's natural faculties, properly employed, were 'sufficient' or 'adequate' to lead them to the *performance* of their duties – even if it took revelation fully to enlighten them as to why they *ought* to do so. Yet on Locke's deeply paradoxical account, the adoption of Christianity as a national religion had to a great extent subverted the very motives which had, prior to (or in the absence of) revelation, led men to behave in ways broadly consistent with the moral law. Moral knowledge had, it seemed, undermined moral practice.

Locke's claim that properly-regulated heathen societies, and pre-political society in the *Treatises*, had developed in ways broadly consistent with 'the true Boundaries of the Law of Nature' stood in marked contrast to 'the schisms, separations, contentions, animosities, quarrels, blood and butchery, and all the train of mischiefs, which have so long harassed and defamed Christianity'.⁹¹ This raised the vexed question of 'how it comes to pass that the Christian religion hath made more factions, wars, and disturbances in civil society than any other'.⁹² In his writings on toleration, Locke made it clear that Christianity as it had been practiced in the world had subverted the natural (providential) harmony that

⁹¹ *Second Vindication*, p. 358.

⁹² 'Essay concerning Toleration', p. 209.

ought to exist between human and divine law. It was for this reason that Locke recognised the superficial plausibility – though not the truth – of the disquieting suggestion that ‘truly the Christian religion is the worst of all religions, and ought neither to be embraced by any particular person, nor tolerated by any commonwealth’.⁹³ Why had the historical consequences been so catastrophic for those societies which professed to follow Christ, and thereby to advance the cause of true religion and morality? Locke was adamant that the fault lay with man, not Christ, whose teachings had been shamelessly and wilfully subverted: ‘Far be it from anyone to think Christ the author of those disorders, or that such fatal mischiefs are the consequence of his doctrine, though they have grown up with it’.⁹⁴

As we have seen, for Locke it was crucial that the two manmade laws – ‘*Civil Law*’, and the ‘*Law of Reputation*’ – continued to be guided by temporal utility. Here, the language of political justification mattered. Insofar as the civil law enforced moral precepts and practices, it legitimately did so purely and unequivocally on account of their observable public utility, not their speculative truth.⁹⁵ This was a point laboured by Locke, even as he recognised that it might (once again) seem ‘strange’ to his contemporary reader. The magistrate ought ‘to have a great care that no such laws be made, no such restraints established *for any other reason* but because the necessity of the state and the welfare of the people called for them’. Locke argued that ‘the law-maker hath nothing to do with moral virtues and vices’: ‘the magistrate commands not the practice of virtues because they are virtues [...] but because they are the advantages of man with man, and most of them the strong ties and bonds of society, which cannot be loosened without shattering the whole frame’.⁹⁶ If the magistrate behaved as Locke argued he ought, his laws would invariably build upon and reinforce the ideas of virtue and vice which had similarly developed within his society according to public utility. The sanctions of civil law would

⁹³ *A Letter concerning Toleration* (1689), in *Political Writings*, p. 431.

⁹⁴ MS Film 77, pp. 125, 270-71 (c. 1675).

⁹⁵ Locke conceded that there was one ‘heathen polity’ which *had* had been instituted for a rather different purpose, ‘the preservation and propagation of true religion’. This was Mosaic Israel, a theocracy under the sovereignty of the Almighty: *Letter concerning Toleration*, pp. 418-9.

⁹⁶ ‘*Essay concerning Toleration*’, pp. 193-5 (italics added).

complement rather than compete with those of praise and blame; and both would encourage men to conduct themselves in ways which conduced to the common good of the community.

Locke nonetheless recognised the possibility that the ‘Law of *Reputation*’ might, on occasion, become detached from the criterion of public utility. In the *Second Treatise*, Locke described this in terms of a separation between ‘Custom’ and ‘Reason’. Customary practices and ideas had their origins in what was found useful to the community, Locke explained. Yet ‘Things of this World are in so constant a Flux, that nothing remains long in the same State’. A practice which may once have been beneficial might now prove harmful. This explains why, in the *Second Treatise*, Locke accords extensive powers of prerogative to the magistrate. ‘Private Interest often keeping up Customs and Privileges, when the reasons of them are ceased’, it might require an act of executive prerogative to override a convention to which common opinion remained irrationally attached: ‘*Prerogative* being nothing, but a Power in the Prince to provide for the publick good’ (*TT*, II: §156-7). This also explains why Locke denied that the civil magistrate was in all cases beholden to the customary, fundamental laws of the realm in the manner argued by many Whig legal theorists, who constructed their arguments against the Crown on the basis of England’s ancient constitution.⁹⁷ Manmade laws, for Locke, had to evolve according to the contingent demands of public utility: it was their convenience, rather than their antiquity, which made the laws which regulated political and religious societies consistent with ‘reason’ (*TT*, II: §103; I: 57-8). If laws were ‘reasonable’ in this sense, they were likely to be in conformity with God’s general will and design, and authoritative as a consequence.⁹⁸

⁹⁷ For Locke’s notable lack of engagement with ancient constitutionalism, see J.G.A. Pocock, ‘Negative and Positive Aspects of Locke’s Place in Eighteenth-Century Discourse’, in M.P. Thompson (ed.), *John Locke und Immanuel Kant: Historische Rezeption und Gegenwärtige Relevanz* (Berlin, 1991), pp. 45-61; M.P. Thompson, ‘Significant Silences in Locke’s *Two Treatises*: Constitutional History, Contract and Law’, *Historical Journal*, 31:2 (1988), pp. 275-94; and Tully, *Discourse on Property*, pp. 33-54. Harris makes a similar point, but with an important qualification: it is not inconceivable that Locke discussed fundamental law in the lost section of the *First Treatise* (*Mind of Locke*, p. 202). Even if true, however, Locke clearly thought that his argument as presented in the published *Treatises* was adequate as it stood.

⁹⁸ Locke made much the same point in his ‘Defence of Nonconformity’ (c.1681-2) regarding religious societies, where Christ had left it to his followers to determine the particular form of government and rules of worship which they felt most conducive to the ends for which such societies were established (edification, public worship, and the propagation of Gospel truth). As circumstances changed over historical time, so too might the consequences of these forms and rules: what might once have been beneficial might have become harmful. A ‘great respect for the first establishers of any

A greater danger, however, was that the civil magistrate would similarly cease to adopt the common temporal interest of his citizens as his guide – a departure from ‘heathen politics’ which Christ had in no sense countenanced. Locke laboured the point that Christianity had not enjoined the magistrate to inculcate ‘true’ moral and religious principles in his subjects. Christ had ‘instituted no commonwealth’, and his law ‘hath not at all meddled’ with the ‘ancient forms of government’ that had been retained by those ‘cities and kingdoms that have embraced the faith of Christ’. There was, in short, ‘no such thing, under the Gospel, as a Christian commonwealth’, and no need for Christianity to interfere with either the ‘Law of *Reputation*’ or the ‘*Civil Law*’.⁹⁹ Obedience to Christ did not, and could not, demand that men break the compacts they had naturally formed with one another and with the civil magistrate in order to pursue their worldly happiness (and thereby to perform, if unknowingly, their duties under natural law). Yet this depended upon the sovereign continuing to concern himself solely with the temporal happiness and prosperity of his society. In a Christian age, the birth of the chimerical concept of the ‘Christian commonwealth’ indicated how Christ’s teaching on this point had been systematically disregarded. This in large part explained the central paradox identified by Locke – why the harmony between the three ‘Laws’ had been subverted most egregiously in *Christian* polities (these ‘disorders’ had ‘grown up with’ Christianity).¹⁰⁰

With Constantine’s endorsement of a specifically doctrinal (Trinitarian) form of Christianity at Nicaea (325 AD), the civil magistrate, misled by philosopher-priests, considered it essential to public happiness that men possess ‘orthodox’ speculative opinions.¹⁰¹ Religion and virtue had become ‘a Businesse of State’: truth took the place of utility, and abstract speculation replaced experience and observation.¹⁰²

thing’ precluded the re-adjustment of means to ends which was periodically necessary, and ‘leaves no room for improvement’: MS Locke c.34, pp. 34-5. For the character of this document – the most important of Locke’s manuscripts to remain unpublished – see T. Stanton, ‘The Name and Nature of Locke’s “Defence of Nonconformity”’, *Locke Studies*, 6 (2006), pp. 143-72.

⁹⁹ *Letter concerning Toleration*, pp. 418-19. Locke laboured the same point in the *Reasonableness* (RC 113-21).

¹⁰⁰ MS Film 77, pp. 125, 270-71 (c. 1675).

¹⁰¹ The etymology of ‘orthodox’ itself helps to explain Locke’s vehement hostility to the concept, as it makes a claim regarding speculative truth: from *ὀρθός*, *orthos* (‘right’, ‘true’, ‘straight’), and *δόξα*, *doxa* (‘opinion’ or ‘belief’).

¹⁰² See Locke’s comment in the ‘Defence of Nonconformity’ that ‘[once] the temporal authority came to be mixt with Ecc[lesiast]icall jurisdiction, & force was made use of contrary to the nature of the thing to make men Christians, or of

Men's temporal happiness, the pursuit of which the civil magistrate legitimately sought to facilitate, was conflated with their eternal happiness, which was the concern of the individual alone. This had made it possible for civil magistrates, including Charles II and James II, to be misled into acts that were 'contrary to the end for which [civil societies] were constituted' (*T II*: §227). Supported by ecclesiastics – the other-worldly character of whose motives was questionable – the magistrate had employed the threat of divine and civil sanctions in order to compel men to conform to particular speculative precepts, in religion as in morality. It was on account of this disastrous 'confounding' of 'temporall authority' with 'ecclesiastical jurisdiction', in naked defiance of Christ's teaching, that 'the Christian religion is accused of so many disorders in the world'.¹⁰³

The consequences for the moral regulation of communities of this fundamental misunderstanding of the purpose and end of civil authority were profound and deleterious. In a lengthy passage in the *Epistola*, Locke discussed them with reference to the abject practices of the Spanish in the New World. He could just as well have been referring to the transition between tolerant heathen Rome and that of the Christian emperors (a narrative later offered, in a rather different key, by Edward Gibbon):

An inconsiderable and weak number of Christians, destitute of everything, arrive in a pagan country. These foreigners beseech the inhabitants, by the bowels of humanity, that they would succour them with the necessaries of life. Those necessaries are given them; habitations are granted; and they all join together and grow up into one body of people. The Christian religion by this means takes root in that country, and spreads itself; but does not suddenly grow the strongest. While things are in this condition, peace, friendship, faith, and equal justice are preserved amongst them. At length the magistrate becomes a Christian, and by that means their party becomes the most powerful. Then immediately all compacts are to be broken, all civil rights to be violated, that idolatry may be extirpated. And unless *these innocent pagans, strict observers of the rules of equity and of the law of nature, and no ways offending against the laws of the society*, I say unless they will forsake their ancient religion, and embrace a new and strange one, they are to be turned out of the lands and possessions of their forefathers, and perhaps deprived of life itself. Then at last it appears what zeal for the Church, joined with the desire of dominion, is capable to produce;

this or that Church whether they would or no, Religion became a Businesse of State': MS Locke c.34, p. 102. Locke's private papers are replete with negative references to the Constantinian moment: for two examples, see MS Locke c.27, fos. 29 (1674) and 32-3 (1675). The disastrous consequences of Constantine's headship of the church were explored by many of Locke's contemporaries and friends who advocated toleration, not least Phillip von Limborch and Jean Le Clerc: J. Marshall, *John Locke, Toleration and Early Enlightenment Culture* (Cambridge, 2006), pp. 618-46.

¹⁰³ MS Locke c.34, p. 101 (1681-2).

and how easily the pretence of religion, and of the care of souls, serves as a cloak to covetousness, rapine, and ambition.¹⁰⁴

This passage contains a number of important assumptions, germane to our discussion but in need of unpacking. First, the ‘innocent pagans’ are ‘*strict* observers of the rules of equity and of the law of nature’: this is a more forceful recapitulation of the claim in the *Essay* that heathen societies developed moral ideas broadly in conformity with the law of nature (*EHU*, 2.28.11). They did so because both of the laws which regulated their society – the ‘Law of *Reputation*’ and the rudimentary ‘*Civil Law*’ – developed according to the dictates of observable public utility.¹⁰⁵ This is despite the fact that these pagans had no rational grasp of the true grounds of morality (‘*Divine Law*’) as lying in the will of a God, to whose existence and providential plan for mankind their natural faculties had not yet led them. With the advent of supposedly Christian magistracy (‘the pretence of religion’), in sharp contrast, the temporal well-being of the community had been sacrificed at the altar of eternal bliss (‘the care of souls’) to an extent previously unimaginable. The concern of the Christian magistrate to enforce virtue *as* virtue, and religious precepts as *true*, saw heterodoxy presented as a more egregious crime than theft or even murder, which could be justified in the name of extirpating idolatry.¹⁰⁶

This, Locke argued, had inevitably resulted in the subversion of the ‘Law of *Reputation*’. As Locke’s educational writings suggested, men’s desire for praise and aversion to blame rendered them malleable in ways which could habituate them in vicious habits as easily as virtuous ones. In late republican Rome, the ‘pagan country’ in the *Epistola*, and the early stages of society in the *Second Treatise*, the desire for praise and aversion to blame had largely led men to conduct themselves in ways which benefited the society of which they were members. This showed how the desire for reputation was, like a respect for one’s parents, an ineffaceable part of man’s divinely-created nature, and hence served a providential purpose: both, working as they ought, attested to God’s ‘Ends’ and goodness in creating man as He

¹⁰⁴ *Letter concerning Toleration*, pp. 416-17 (italics added).

¹⁰⁵ As in the case of the native Canadians discussed in MS Locke c.33, f. 11 (25 March 1679).

¹⁰⁶ Again, the etymology is revealing: from *éτερο*, *hetero* (‘other’) and *δόξα*, *doxa* (‘opinion’).

had. With the emergence of commonwealths devoted to the inculcation of ‘true’ religion, however, this had ceased to be the case. Men were encouraged to esteem their neighbours less on account of their contribution to the common good and more on the basis of their professed speculative principles. A desire for esteem encouraged men to conform to social norms – which explained why, in ‘Christian commonwealths’, intolerance and the inhumane acts to which it led could have become so ubiquitous, and men reduced below the level of beasts.¹⁰⁷

Here Locke’s account is once again diametrically opposed to Hobbes’s. In *Leviathan*, Hobbes argued that the sovereign was both *rex et sacerdos*.¹⁰⁸ In making this case he had recourse to a medical metaphor, in a chapter entitled ‘Of a Christian Commonwealth’ – precisely the political entity the legitimacy of which Locke denied: ‘For it is with the mysteries of our Religion, as with wholesome pills for the sick, which swallowed whole, have the vertue to cure; but chewed, are for the most part cast up again without effect’.¹⁰⁹ Locke inverted Hobbes’s metaphor, the better to establish the absolute nature of the conceptual distinction between politics and religion which Hobbes had elided. Men in ‘Christian commonwealths’ were forced to ‘swallow down Opinions, as silly People do Empirick Pills, without knowing what they are made of, or how they will work, and have nothing to do, but believe they will do the Cure: but in this, they are much more miserable than they, in that they are not at liberty to refuse swallowing, what perhaps they had rather let alone’. As a result of this disastrous confusion between the civil and the sacred, men in professedly Christian societies grew up ‘*cooped in close, by the Laws*’ (EHU 4.20.4).¹¹⁰ They were prevented from developing their moral ideas naturally: that is, on the basis of what was found in practice to further the temporal happiness both of themselves and of the society in which they lived.

¹⁰⁷ Seen in this light, Martha Nussbaum’s claim that Locke did not possess even a basic grasp of moral psychology, as attested by his complete lack of interest in ‘the psychological underpinnings of intolerance’, seems curious indeed: ‘Radical Evil in the Lockean State: The Neglect of the Political Emotions’, *Journal of Moral Philosophy*, 3:2 (2006), pp. 159–78 (on p. 162).

¹⁰⁸ J. Rose, *Godly Kingship in Restoration England: The Politics of the Royal Supremacy, 1660–1688* (Cambridge, 2011), pp. 203–28.

¹⁰⁹ *Leviathan*, iii, 3.32, p. 578.

¹¹⁰ This passage was, once again, already written by 1671: ‘Draft A’, in *Drafts for the Essay*, §39, p. 69.

In properly-regulated communities, even those who were not inclined to the act of philosophy might still possess ideas of virtue and vice which were broadly consistent with truth, because they acquired those ideas through their participation in communities regulated by the dictates of public utility. Locke was supremely confident that heathens, once led by their faculties to an idea of God and subsequently introduced to the Gospels without coercion or impediment, might recognise the latter to speak of truths which accorded with their moral ideas even as they enlarged upon them (exponentially, in some cases).¹¹¹ Locke was no consequentialist: if an action proved useful in advancing mankind's collective interests – such as the care and preservation of one's children, or a respect for another's property and livelihood – it was because God had ordered the world in such a way that His commands through revelation (go forth and multiply; replenish the earth; do unto others) had already recommended themselves to men on account of their utility. They were true and obligatory not because they were useful or desirable, but because they represented God's will and command, as the Scriptures made plain to all who read them.¹¹² Alerting men to its true grounds and sanctions, Christ's teaching merely 'enforces morality the stronger', and offered additional (and compelling) incentives to live righteously beyond the pleasure derived from a good reputation. For the socialised individual habituated in 'the solid pleasures of knowledge and reputation', the Scriptures simply revealed how '*conscience*, reason and pleasure go together'.¹¹³

Here Locke's position stands in marked, and revealing, contrast to that of another leading proponent of religious toleration in the 1680s: Pierre Bayle.¹¹⁴ In his *Pensées Diverses sur la Comète* (1680; 1683), Bayle famously declared that atheists could lead moral lives. Bayle's reasoning was similar to Nicole's in his

¹¹¹ See the remark in the 'Fundamental Constitutions of Carolina' (1667) – which Locke probably had a hand in drafting – that the native pagans should be left to 'acquaint themselves with the truth and reasonableness' of the Gospels without impediment or coercion: *Political Writings*, p. 229. For a discussion of Lockean toleration as expressive of a commitment to Christian mission, and underpinned by Locke's unshakeable confidence that 'within the setting of free and open intellectual exchange the Gospel's truth and beauty would inexorably triumph', see J. Turner, 'John Locke, Christian Mission, and Colonial America', *Modern Intellectual History*, 8:2 (2011), pp. 267-97 (on p. 295).

¹¹² Tully, *Discourse on Property*, pp. 46-7, puts this point well.

¹¹³ MS Locke c.42B, p. 224 (1692: italics added).

¹¹⁴ On Locke's engagement with Bayle, see Harris, *Mind of Locke*, pp.190-1, 280-9; Marshall, *Early Enlightenment Culture*, pp. 618-719; and P. Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, 2003), pp. 240-88.

Essays: terrestrial pressures – a concern for reputation, and the sanctions of civil law – were sufficient to explain moral conduct, given the extent of post-lapsarian human depravity. This implied that morality could be discussed in an entirely secular idiom.¹¹⁵ On one level, Locke was willing to agree: after all, his invocation of pagan (and even atheist) nations suggested that tolerable moral conduct was possible in the absence of true (or any) religious knowledge. Yet for Locke this very fact attested to divine wisdom, goodness and design. God ensured that worldly utility and divine truth existed in a harmonious relationship, even as mankind had repeatedly disturbed this harmony. Bayle had terminated his enquiries too soon. By asking the further question of *why* men were drawn to the useful and agreeable, one would recognise that human nature as it revealed itself in society attested to the existence and goodness of a divine legislator and embodied His ‘Ends’ for mankind.¹¹⁶ It was for this reason that atheists who denied *a priori* the existence of God – as opposed to ‘innocent Pagans’ or those who had yet to arrive at any idea of divinity – were not to be tolerated.¹¹⁷ Such speculative atheists ruled out the possibility or necessity of employing their God-given natural faculties in the manner intended by their Creator: to understand the true foundation of their moral duties in God’s will and command, and (for Christians) to recognise the most compelling incentive to perform them in Christ’s offer of righteousness. Reason and revelation, knowledge and faith, utility and truth were for Locke not separated by a chasm, as for Bayle or Nicole; they lay on a continuum, on account of God’s providential design and ongoing care of His creatures.¹¹⁸ The step from performing one’s duties because one found them useful and agreeable, to doing so from a just understanding of oneself as God’s ‘Property’ need not be a particularly troubling one.

¹¹⁵ For the importance of Bayle’s claim for the broader development of eighteenth-century moral philosophy, see J. Robertson, *The Case for the Enlightenment: Scotland and Naples 1680-1760* (Cambridge, 2005).

¹¹⁶ Locke’s divine teleology taken as a whole, one might argue, reflects or even relies upon his lack of interest in—or strenuous avoidance of—those thorny problems of theodicy which Bayle mined exhaustively and with evident relish.

¹¹⁷ ‘Essay concerning Toleration’, p. 188; *Letter concerning Toleration*, p. 426. On Locke’s distinction, nowhere expressed explicitly in these terms, between innocent and speculative atheism, see J.K. Numao, ‘Locke on Atheism’, *History of Political Thought*, 34:2 (2013), pp. 252-72.

¹¹⁸ R. Ashcraft, ‘Faith and Knowledge in Locke’s Philosophy’, in J.W. Yolton (ed.), *John Locke: Problems and Perspectives* (Cambridge, 1969), pp. 194-223.

This, however, had ceased to be the case. The ‘Father or Schoolmaster, the Parson of the Parish, or such a Reverend Doctor’ now exercised a tyrannical authority over men, the consequence of the Christian magistrate’s erroneous conviction that the well-being of the commonwealth in some sense depended upon true speculative opinions. These men ‘cram their Tenets down all Men’s Throats, whom they can get into their Power, without permitting them to examine their Truth or Falsehood; and will not let Truth have fair play in the World, nor Men the Liberty to search after it’ (*EHU* 4.3.20). The individual in the modern age was not allowed to ‘see what he himself can, sincerely searching after truth, find out’.¹¹⁹ In ‘Christian commonwealths’, the forced and illegitimate intrusion of philosophical and political theology into the public square had positively ‘obscured and perplexed the material Truths of Law and Divinity’ that, in a heathen age, even the illiterate ‘mechanick’ or ‘plough man’ had in some sense understood (*EHU* 3.10.8).¹²⁰ This process had been expedited by the culture as well as ideology of *jure divino* monarchism: the ‘luxury of the Courts’ set a pernicious example for ‘inferior grandees’ to imitate, esteeming ‘idle and useless employments’ and bringing ‘honest labour in useful and mechanical arts wholly into disgrace’.¹²¹ Idle speculation had taken the place of useful empirical observation in all areas of life.

The corruption of the ‘Law of *Reputation*’, itself a consequence of this fundamental misunderstanding of the proper end and jurisdiction of political authority, had serious implications for what both the magistrate and the philosopher-priest now claimed jointly to superintend: the care of the Christian’s soul. Only if individuals were permitted to cultivate their natural faculties without undue (and illegitimate) impediment might they be in a position truly to apprehend both the reasonableness and necessity of the Christian revelation. Christ’s revelation was ‘reasonable’, in part, because it built upon the ideas of what was good and ill which men ought to have acquired in societies guided by the dictates of temporal utility. It was ‘necessary’ because Christ performed what philosophers had not, by

¹¹⁹ *Conduct of the Understanding*, p. 382.

¹²⁰ A point made particularly strongly by Locke in his later discussion of error: MS Film 77, pp. 320-21 (1698).

¹²¹ MS Film 77, p. 310 (1693).

explaining in a language all could understand the ‘true ground’ and obligatory character of virtue and vice as God’s legislative will and command. Yet this harmony between virtue and duty – and between mankind’s collective pursuit of happiness in this world and Christ’s terms for entrance into His kingdom – had been interrupted, and hence obscured from view, in Christian commonwealths. It was for this reason that, in all of his writings, Locke proposed a *reformation* in political, moral and religious understanding, correcting the errors which had been perpetuated following Christ’s appearance.¹²² Locke’s ultimate aim, as he stated at the outset of the Essay, was to remove the ‘*some of the rubbish, that lies in the way to Knowledge*’ – especially knowledge of mankind’s ‘great Concernments’ of morality, religion and justice (EHU, 2.23.12).¹²³ This detritus now prevented men from recognising the providential harmony which ought to exist between the three laws which regulated human societies, and between the dictates of communal utility and the demands of moral duty. Locke was far from optimistic that his endeavour would be sufficient to turn the tide.

IV

This article suggests that Locke’s social and moral thought is both more compelling and more troubling than is often appreciated. The desire for esteem provided a means of conceptualising how, in society, men became sociable creatures and moral agents, notwithstanding the limited reach of their natural faculties. Almost all felt obligated to abide by a shared moral code which expressed a common, necessarily contingent, but broadly accurate sense of their collective interest, and most took pleasure in living according to it. This represents a strikingly original aspect of Locke’s thought. The desire for approval rendered the individual malleable: a point recognised but regretted by Augustinian moralists such as Nicole and Bayle. Locke argued that this indelible feature of human nature was, as with all

¹²² See, for example, Locke’s claim in the *Treatises* that Filmer was a ‘Reformer in Politicks’; Locke’s own objective was professedly limited to re-establishing ‘the old way’ of understanding political authority (TT I: §106; II: §6). Locke’s religious apologetic similarly offers to recover the true meaning and significance of Christ’s teachings – and hence to re-establish the true scope, end and jurisdiction of religious societies (churches).

¹²³ EHU, ‘Epistle to the Reader’, p. 10.

others, no accident, and not in itself a cause for regret. Man had been created in this way, and God did nothing in vain.

The desire for the good opinion of others had, Locke suggested, served God's purposes by acting as a mechanism which allowed for the solipsistic Hobbesian individual's view of the good and useful to be harmonised with those of his neighbours, without the need for – and theoretically prior to – the instantiation of political authority. The feasibility of pre-political community was essential to Locke's political theory, which conceived of sovereignty as entrusted and revocable. A concern for reputation thus enabled Locke to accept, or even to develop further many of Hobbes's fundamental premises – his hedonic psychology, nominalism and legislative view of morals – whilst nonetheless powerfully challenging his conclusions. The 'Law of *Reputation*' partially displaced Hobbes's civil law in Locke's explanation of the origins and development of society. Due to Locke's emphasis on the divinely-ordained harmony between these man-made laws and the law of nature, God replaced the sovereign as the author of all law, upon whom men were ultimately dependent. To deny this dependence was to deny the existence of all law properly so-called, which was the command of a superior (God) who legitimately promulgated rules for mankind which were disclosed through both 'natural revelation' (men's senses and reason) and the Scriptures. It was for this reason that atheists who denied *a priori* the existence of God were a law unto themselves, and had no claim to toleration.¹²⁴

Viewed from a rather different perspective, Locke's interest from the later 1670s in man's desire for esteem arguably attests to his increasing recognition of the insuperable difficulties he faced in responding to Hobbes's challenge. Locke clearly struggled to establish the origins, content and obligatory character of natural law on the basis of his 'new way of ideas' – even as he never retracted

¹²⁴ 'The original & foundation of all Law is dependency. A dependent intelligent being is under the power & direction & dominion of him on whom he depends & must be for the ends appointed him by that superior being. If man were independent he could have noe law but his own will, noe end but himself. He would be a god to himself, & the satisfaction of his own will the sole measure & end of all his actions': MS Locke c.28, f.141 (c. 1693).

his claim that morality was potentially capable of demonstration (*EHU* 3.11.16-17; 4.3.18-20).¹²⁵ This partially explains the problematic distinction drawn by Locke between moral conduct and moral knowledge. Men might agree on a shared code of conduct on the basis of its evident communal utility; and, because they considered a good reputation to be essential to their happiness, individuals would find that abiding by that code – and thereby securing the praise of others – was a source of pleasure. All this, Locke maintained, was theoretically possible in the absence of a rational grasp of one's moral duties under natural law. Crucially, this was also achievable without the need for magisterial imposition, thereby undermining the foundational premise upon which Hobbes had erected his political theory. Yet having opened up this conceptual gap between moral conduct and true moral knowledge, Locke's account begged the pressing question of why knowledge of this latter sort was necessary – not least because Locke himself argued that once it had been delivered by Christ in terms all could understand, it had paradoxically undermined that which it had been intended to reinforce.

Here Dawson's recent observation that 'the naturalising figures of the Enlightenment' might have 'learned as much as they rejected from their forbears' – even from Christian deontologists such as Locke – warrants closer consideration.¹²⁶ It is surely worth remarking that Hume first introduced the principle which was crucial to his ethical naturalism – 'sympathy' – in a section of Book II of *A Treatise of Human Nature* (1739-40) entitled 'Of the Love of Fame'. Close readers of Locke's *Essay* would hardly have considered as novel Hume's opening gambit: 'Our reputation, our character, our name are considerations of vast weight and importance; and even the other causes of pride; virtue, beauty and riches; have little influence, when not seconded by the opinions and sentiments of others.'¹²⁷ Such readers would doubtless have been rather more surprised by Hume's subsequent claim that this

¹²⁵ Just because he had been unable to do so, Locke informed William Molyneux, it did not mean that a superior genius might not succeed where he had failed. 'Though by the view I had of moral ideas, whilst I was considering that subject,' Locke declared, 'I thought I saw morality might be demonstratively made out, yet whether I am able so to make it out is another question. Every one could not have demonstrated what Mr. Newton's book hath shewn to be demonstrable': *Correspondence of Locke*, iv, #1538 (20 Sept. 1692), pp. 522-5.

¹²⁶ Dawson, 'Natural Religion', p. 133.

¹²⁷ David Hume, *A Treatise of Human Nature*, ed. D.F. Norton & M.J. Norton (2 vols., Oxford, 2007), 2.1.11.

inherent quality of human nature was, properly examined, sufficient to explain the origins of moral obligation – without any need to invoke Locke’s divine legislator *or* Hobbes’s ‘mortal God’.¹²⁸

Locke’s epistemological writings combine a hectoring tone – men *must* labour for truth – with an unmistakeable pessimism when it came to the likelihood of them doing so. In part this certainly reflects Locke’s unflattering verdict that most men, particularly those among the wealthy and educated classes, were irretrievably lazy. As this article has attempted to show, however, there is more to Locke’s pessimism than this. Precisely because Locke emphasised the irreversible and profound effects of society in shaping the individual, he was hardly optimistic when it came to the likelihood of individuals *remaking* and *reforming* a society which had been corrupted, and the forces of which held them captive. Insofar as Locke appealed to the ideal of the atomised and dissociated individual, upon which scholars have frequently focused their attentions, he arguably did so less as a way of explaining how society had come into being, than as the only means of uncovering – and perhaps returning it to – its original, providentially-instituted principles. Yet as Locke recognised only too well, the individual, on account of God’s design, was neither dissociated nor atomised – a theme which he explored, and a point which he laboured, more powerfully and comprehensively than any of his contemporaries. Along with many of Locke’s critics, the third earl of Shaftesbury recognised (and deplored) the extent to which his one-time tutor’s moral philosophy and theory of social development seemed to render the individual the product of the forces governing society.¹²⁹ The neglected aspects of Locke’s thinking recovered in this article – the intersubjective and contingent nature of the moral code which regulates society, the manner in which God’s attributes and will might nonetheless be elicited from the analysis of human nature as it revealed itself in social settings, and the deeply troubling historical consequences of Christianity –

¹²⁸ For further discussion, see T. Stuart-Buttle, *From Moral Theology to Moral Philosophy: Locke to Hume* (Oxford: Forthcoming 2017).

¹²⁹ See Shaftesbury’s claim that ‘after having found out other sorts of laws, [Locke] wanted a law for fashion and opinion. And this according to him was virtue and honesty’: Shaftesbury to General James Stanhope, 7 Nov. 1709, in B. Rand (ed.), *The Life, Unpublished Letters and Philosophical Regimen of Anthony, Earl of Shaftesbury* (New York, 1900; repr. London, 1992), p. 416. On Shaftesbury’s response to Locke, see T. Stuart-Buttle, ‘Shaftesbury Reconsidered: Stoic Ethics and the Unreasonableness of Christianity’, *Locke Studies*, 15 (2016), pp. 161-211.

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helped to set the terms of eighteenth-century philosophical debate in ways we are only just beginning to appreciate.